

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 585-1800

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## **STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NO.:** 4-05-060

**APPLICANTS:** Thomas White, Santa Barbara Shellfish Company  
City of Santa Barbara Waterfront Department

**PROJECT LOCATION:** 230 Stearns Wharf, City of Santa Barbara, Santa Barbara County.

**PROJECT DESCRIPTION:** Addition of a 96 square foot public outdoor seating area and replacement of an existing 47 square foot trash enclosure with a 74 square foot combined trash/recycling enclosure on the west side of the Santa Barbara Shellfish Company Restaurant on Stearns Wharf.

**APPROVALS RECEIVED:** City of Santa Barbara Planning Commission recommendation of approval to the California Coastal Commission and modification of parking requirements (Resolution NO. 024-05).

**SUBSTANTIVE FILE DOCUMENTS:** City of Santa Barbara Planning Commission Staff Report, March 31, 2005; Coastal Development Permit #305-03 (City of Santa Barbara Waterfront Department); Coastal Development Permits 4-98-336 and 4-98-336-A1 (City of Santa Barbara Waterfront Department); Coastal Development Permit 4-98-181 (Santa Barbara Shellfish Company/City of Santa Barbara); and Waiver of Coastal Development Permit Requirement 4-00-146-W (Santa Barbara Shellfish Company/City of Santa Barbara).

### **SUMMARY OF STAFF RECOMMENDATION**

Staff recommends **approval** of the proposed project with **Three Special Conditions** regarding 1) Signage Plan; 2) Use and Area Limitations; and 3) Revised Plans.

Santa Barbara Shellfish Company and the City of the Santa Barbara Waterfront Department jointly propose addition of a 96 square foot public outdoor seating area and replacement of an existing 47 square foot trash enclosure with a 74 square foot combined trash/recycling enclosure on the west side of the Santa Barbara Shellfish Company Restaurant on Stearns Wharf. The outdoor seating area would encroach into

the public open space around Stearns Wharf by four feet, retaining a 7 to 8 foot wide public perimeter walkway between the seating area and the edge of Stearns Wharf. The seating area would be open to the public at all times.

The proposed recycling/trash enclosure would extend an existing trash enclosure 2.6 feet west to include space for recycled waste and storage of used grease. The proposed design of the enclosure would still retain a 9 to 10 foot public perimeter walkway to the edge of Stearns Wharf. The enclosure would include an awning, concrete foundation, and secondary containment system to reduce polluted runoff to Stearns Wharf and the ocean.

Although the Commission has previously certified a Local Coastal Program for Santa Barbara County, this project is located within an area where the Commission has retained jurisdiction over the issuance of coastal development permits and the standard of review for this project is the Chapter 3 policies of the Coastal Act. As conditioned, the proposed project will not result in significant adverse impacts to public access, scenic views, and recreation, and is consistent with all applicable Chapter Three policies of the Coastal Act.

## **I. STAFF RECOMMENDATION**

**MOTION:**        *I move that the Commission approve Coastal Development Permit 4-05-060 pursuant to the staff recommendation.*

### **STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

### **RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

## II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## III. SPECIAL CONDITIONS

### 1. **Signage Plan**

***Prior to issuance of the Coastal Development Permit,*** the applicant shall submit, for the review and approval of the Executive Director, a signage plan providing for the placement of signs on the tables and walls adjoining the approved public outdoor seating area, which clearly indicate that the outdoor seating area is available for public use. The signs shall be large enough and located in conspicuous places to ensure that the pedestrian traffic within the vicinity of the project is clearly aware of the location and public nature of the outdoor seating area. The signage plan shall include the location, size, and wording for each sign. The signage shall be installed and maintained for the life of the project.

### 2. **Use and Area Limitation**

The outdoor seating area authorized by this permit shall be limited to four tables and eight benches that shall not extend westerly from the existing exterior wall of the building more than four (4) feet. Any additions or modifications to the structure, including any increase in seating capacity, shall require a separate permit or amendment of this permit. The entire outdoor seating area authorized by this permit

shall be for the use of the public at all times. Seating shall be available to members of the public, as well as restaurant patrons, on a first come first serve basis.

The applicant shall not impede or discourage the public from using the outdoor seating area authorized by this permit in any manner. Placement of posts, dividers, fence, or ropes around the seating area or placement of the seating area on an elevated platform or foundation shall not occur. Further, "Santa Barbara Shellfish Company," "Shellfish Company," or any other reference to a privately owned entity or advertisement, including logos, shall not be printed on flags, tables, chairs, walls, or any other structure located in the public seating area. In addition, no service of the outdoor seating area by a hostess, waiters, or expeditors shall occur. Service of the outdoor seating area shall be limited to bussing and clearing of tables only.

The outdoor seating area authorized by this permit shall not be converted to the exclusive use of restaurant patrons and shall be available for public use for the life of the project.

### **3. Revised Plans**

***Prior to issuance of the Coastal Development Permit***, the applicant shall submit, for the review and approval of the Executive Director, two sets of revised final site plans and elevations, meeting the following requirements:

- a. The trash/recycling enclosure shall not exceed 74 square feet and shall not extend southward beyond the existing exterior walls of the building;
- b. The public outdoor seating area shall not exceed 96 square feet and shall not extend westward more than four feet from the exterior walls of the existing building;
- c. No post or dividers shall surround the outdoor seating area;
- d. The outdoor seating area shall not be placed on an elevated platform or foundation;
- e. The outdoor seating area and trash/recycling enclosure shall be designed with colors and materials consistent with the character of Stearns Wharf and surrounding public use areas.

All development approved by this permit shall conform to the approved final plans. Any deviation from these plans shall require a new coastal development permit or an amendment to this coastal development permit.

## IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

### A. PROJECT DESCRIPTION AND BACKGROUND

#### Project Background

The project site is located at the southwest end of Stearns Wharf within the Santa Barbara Waterfront area (**Exhibit 1**). Stearns Wharf is one of the most popular visitor destination points within the City of Santa Barbara, supporting a variety of coastal dependent, visitor serving, and commercial uses including site seeing, picnicking, commercial and recreational fishing, ocean boat tours, educational facilities, retail stores, and food and beverage establishments.

Development on Stearns Wharf is governed by Coastal Development Permit #305-03 granted to the City of Santa Barbara on March 21, 1980. This coastal permit was a product of a collaborative planning process with participation by the City of Santa Barbara, the California Coastal Conservancy, and the California Coastal Commission. The permit provided a comprehensive plan for the rehabilitation of Stearns Wharf limiting the number and types of businesses and buildings to be constructed on the Wharf. The intent of the original coastal development permit issued for the Wharf was to establish an appropriate balance of public open space, ocean related and dependent uses, recreational opportunities, visitor serving retail, and restaurants. The Coastal Commission's approval of CDP #305-03 stressed the importance of small scale, low intensity commercial development and the maintenance of public open space and recreational areas. The permit provided for the construction of 28,410 sq. ft. of building area and 126 parking spaces on the wharf. Uses permitted under the original coastal permit were predominantly visitor-serving uses and included two restaurants, a fast food outlet, fish market, bait and tackle shop, retail shops, and supporting office space. Approval for the rehabilitation project for Stearns Wharf was contingent upon the designation of 121,000 square feet of the wharf as public open space, including a public pedestrian accessway around the perimeter of the Wharf.

Subsequent to the issuance of Coastal Development Permit #305-03, a number of coastal development permits have been granted for relatively minor additions and alterations to the originally approved buildings on the Wharf. These additions have included construction of a two-story, 2056 sq. ft. Sea Center (1987) operated by the Santa Barbara Museum of Natural History, and a two-story, 1059 sq. ft. building with administrative offices to support The Nature Conservancy's Santa Cruz Preserve (1984). In 1984 the Coastal Commission also granted Coastal Development Permit 4-84-016, which permitted a 1,516 sq. ft. addition to the existing 4,078 sq. ft. Moby Dick Restaurant and a 1,350 sq. ft. addition of wharf space.

In August 1998, the Commission approved CDP 4-98-181 for the Santa Barbara Shellfish Company to convert the fish market to a joint fish market and take out restaurant. The CDP allowed: 1) a 26 seat interior dining area within the existing building footprint, 2) installation of seven public picnic tables in the vicinity of the Santa Barbara Shellfish Company (approximately 20-40 feet away); 3) a 28 square foot addition to the existing building to accommodate a public restroom, 4) the addition of an outside stairway to provide access to an existing second story; 5) conversion of an existing second floor area to office space and storage, and 6) rehabilitation of the existing fish hoist on the west side of the wharf adjacent to the Santa Barbara Shellfish Company. Prior to this approval, in 1996, the Shellfish Company had proposed a 481 square foot addition to the existing building that would extend the building westward to the wharf's edge. The Santa Barbara City Council denied the proposal, as the project would have converted public perimeter walkway to commercial uses.

In November 1998, Stearns Wharf caught fire and approximately 27% of the middle of the Wharf was destroyed, including the Santa Barbara Shellfish Company. Those portions of Stearns Wharf and related buildings destroyed in the fire were reconstructed under Coastal Development Permit 4-98-336 and 4-98-336-A1 granted by the Coastal Commission in December 1998. CDP 4-98-336 allowed Santa Barbara Shellfish Company to reconstruct its restaurant facility within the same building footprint on the wharf as was approved under CDP 4-98-181. CDP 4-98-336-A1 approved movement of the Shellfish/Tackle Shop building two feet south on the wharf to provide a larger gap between Moby Dicks Restaurant and the Shellfish Company.

Following the approval of Coastal Development Permits 4-98-336 and 4-98-336-A1 to reconstruct the fire damaged portions of the Wharf, the Commission granted a number of coastal development permits for minor tenant improvements on the Wharf and for some extension of building square footage and restaurant uses. These approvals included: 1) Coastal Development Permit 4-99-279 (Harbor Restaurant) permitting a new 484 square foot exterior patio, 230 square feet of storage space, addition of a second floor 421 square foot deck, other minor additions, interior modifications, and an increase of the restaurant seating capacity by 39 seats; 2) Coastal Development Permit 4-00-198 (Moby Dick Restaurant) for a number of minor improvements and an increase of restaurant seating by 74 seats that did not extend the building beyond the existing footprint of development previously approved by the Commission; 3) Waiver Number 4-00-146-W (July 2000) for the addition of a 47 square foot trash enclosure attached to the Santa Barbara Shellfish Company; and 4) Coastal Development Permit 4-02-033 for the removal of the existing Sea Center and Nature Conservancy buildings and construction of a 6,327 square foot Sea Center building to provide public marine exhibits, educational and research facilities, and office/workroom space for the Sea Center and Nature Conservancy staff.

### **Project Description**

The Santa Barbara Shellfish Company and City of Santa Barbara Waterfront Department jointly propose to construct a 96 square foot public outdoor seating area

and replace an existing 47 square foot trash enclosure with an 74 square foot combined trash and recycling enclosure on the west side of the Santa Barbara Shellfish Company building on Stearns Wharf.

The Santa Barbara Shellfish Company (approximately 1,558 square feet) and Mike's Bait Shop (approximately 320 square feet) occupy a two-story 1,878 square foot building at the end of Stearns Wharf. The Shellfish building is located on the western side of Stearns Wharf between the Moby Dick Restaurant to the north and the end of the pier to the south. The Shellfish Company is a fish market and take-out restaurant serving only shellfish. The restaurant has 26 indoor seats (stools) and seven non-exclusive public outdoor picnic tables located approximately 20 to 40 feet away from the main restaurant. The Shellfish Company building also contains public restrooms, a 47 square foot trash enclosure, electric room, fish hoist, stairway, and upstairs office and storage area (**Exhibit 4**).

The proposed outdoor seating area would consist of four tables and eight benches four feet wide spanning 24 feet along the west side of the restaurant (**Exhibit 2**). The tables and benches would result in an estimated total of 16 additional seats that would be contained under the eave of the building and have views of the edge of the pier and the ocean. The tables and benches would be located directly on the wharf with no elevated foundation and would be aligned with an existing public restroom that currently protrudes westerly from the building. The project would decrease the existing 11.5-foot wide public perimeter walkway in the area, to 7.5 feet wide. The existing walkway in this area is frequently used by the public to access the end of the pier, fish, and view the Santa Barbara coastline. The applicant, in response to Commission staff concerns about encroachment into the public walkway, has proposed that no posts or dividers be placed near the tables that might give the impression that the tables are for the exclusive use of restaurant patrons. Additionally, the applicant has proposed that signage be placed on the tables and/or walls of the building indicating that the outdoor seating area is available for public use at all times.

Additionally, the applicant proposes to convert an existing 47 square foot trash enclosure to a 74 square foot trash and recycling enclosure on the south side of the building (**Exhibit 3**). Currently, the Shellfish Company uses space under the stairway on the western side of the building and limited space in the existing trash enclosure to store its recyclable waste. The restaurant has also been storing used grease in two exposed drums located outside the south side of the building. The purpose of the proposed expansion of the trash enclosure is to provide a covered space for the restaurant's trash bin, new recycle bins, and grease drums. The enclosure will be placed over an existing concrete slab. Additionally, the grease drums will be placed on a secondary spill containment system and covered with an awning that will prevent polluted runoff to the ocean. The enclosure will be 9.1 feet long and 8.1 feet wide and will not protrude southward beyond the existing electrical room or westward beyond the neighboring second story stairway. The expansion will decrease the existing 12-foot wide public perimeter walkway on the southwestern side of the building to 9.5 feet in width.

Submerged tidelands of the Santa Barbara Harbor have been legislatively granted to the City of Santa Barbara through the State Lands Commission. Therefore, the proposed project does not require review and approval of the State Lands Commission. The proposed project operations, as described below, will be conducted entirely on the Wharf and the proposed structures will not require that additional pier pilings be constructed to support the proposed structural loads. As such, the proposed project will not result in filling of coastal waters nor construction activities directly within the marine environment. However, because the proposed project is located on Stearns Wharf, seaward of the mean high tide line and over open coastal water, the project is subject to the retained original coastal permit jurisdiction of the Coastal Commission.

## **B. PUBLIC ACCESS AND RECREATION**

Coastal Act Section 30210 states:

***In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.***

Coastal Act Section 30211 states:

***Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.***

Coastal Act Section 30212(a) states

***Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:***

***(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources.***

***(2) adequate access exists nearby, or,***

***(3) agriculture would be adversely affected. Dedicated access shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.***

Coastal Act Section 30213 states:

***Lower cost visitor serving and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.***

Coastal Act Section 30221 states:

***Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already provided for in the area.***

Coastal Act Section 30252 states:

***The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the providing or extension of transit service....(3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation....***

Coastal Act Sections 30210, 30211, and 30212 mandate that maximum public access and recreational opportunities be provided to the ocean and that development not interfere with the public right to access to the sea, consistent with the need to protect public safety, private property, and natural resources. In addition, Coastal Act Sections 30213 and 30221 provide that lower cost visitor serving and recreational facilities be protected, encouraged, and where feasible, provided, that developments providing such recreational opportunities are preferred, and that oceanfront land suitable for recreational use be protected for such use. Coastal Act Section 30252 provide that new development should maintain and enhance public access to the coast by providing transit service, non-automobile circulation, and adequate parking facilities. All projects requiring a coastal development permit must be reviewed for compliance with the public access and recreation provisions of Chapter 3 of the Coastal Act.

### **Public Open Space**

As previously discussed, the design and configuration of Stearns Wharf and associated buildings and businesses were the subject of Coastal Development Permit #305-03, which permitted the rehabilitation of Stearns Wharf in 1980. This permit provided a comprehensive plan for the rehabilitation of Stearns Wharf that limited the number and types of businesses and buildings to be constructed on the Wharf. The intent of the original coastal development permit was to establish an appropriate balance of public open space, ocean related and dependent uses, recreational opportunities, visitor serving retail, and restaurants on the Wharf. Realizing that the Wharf supported a variety of coastal dependent and recreational uses in an area expected to experience continuing demand for expansion of development, the Coastal Commission's approval of CDP #305-03 stressed the importance of small scale, low intensity commercial development and the maintenance of public open space and recreational areas, consistent with the public access and recreational provisions of the Coastal Act.

In approving CDP #305-03, the Commission required that a public walkway be provided around the perimeter of the Wharf. While only averaging between 3 and 4 feet in width in most places, this accessway provides a continuous public walkway around the perimeter of Stearns Wharf, with the exception of the areas near the originally permitted restaurant (now the Harbor Restaurant) and the coffee shop (now Moby Dick's) where

no accessway exists. This pedestrian accessway is intended to ensure maximum public access to the scenic views from Stearns Wharf, break-up the massing of building structures, and provide the public with opportunities to move outside of the main flow of pedestrian traffic on the Wharf.

The accessway and public space on the west side of the Santa Barbara Shellfish Company is one of the largest building setbacks from the Wharf's edge, varying in width from 7 to 12 feet. At the time of approval of CDP #305-03, the accessway on the west side of the Shellfish Company was 10 to 12 feet in width. Subsequently in 1998, the Commission approved Coastal Development Permit 4-98-181, which converted the fish market to a 26-seat restaurant specializing in shellfish only. This permit allowed for the extension of the Santa Barbara Shellfish Company building beyond that approved in 1980 for a public restroom and private stairway to access an existing second story office and storage area. This expansion limited the width of the accessway to 7 feet at the location of the restroom and stairway. CDP 4-98-181 also authorized placement of seven public picnic tables in the public walkway east of the Shellfish Company for the use of the general public and restaurant patrons. In July 2000, the Commission further approved Waiver 4-00-146-W, allowing a 47 square foot trash enclosure for the restaurant on the public walkway on the southwest side of the Shellfish building. The remaining public accessway in the vicinity of the trash enclosure is 12 feet in width.

The proposed project would convert 27 square feet of public open space area to commercial uses by the restaurant for the expansion of an existing trash enclosure to accommodate recycling and storage of grease. The project would also place a 96 square foot public outdoor seating area in a public open space area that is currently undeveloped. The public outdoor seating area would consist of four tables and eight benches four feet in width spanning 24 feet along the west wall of the Shellfish building. The seating area would extend four feet into the public walkway, leaving a 7.5-foot public perimeter on the western side of the building. The applicant has proposed that this seating area be public and not for the exclusive use of restaurant patrons. The proposed seating area is, therefore, for priority uses (public recreational and visitor serving facilities) and will not adversely affect the usability of this portion of the public perimeter accessway on Stearns Wharf.

The proposed expansion of the existing trash enclosure would extend the enclosure an additional 2.6 feet westerly into the public accessway, leaving a 9.5-foot wide public walkway on the southwestern side of the Shellfish building. The proposed recycling/trash enclosure would line up with the existing second story stairway on the west side of the building and the electrical room on the south side of the building. The recycling/trash enclosure is proposed to accommodate existing demand for recycling, grease storage, and trash from the restaurant. Expansion of the enclosure will not involve an increase in intensity of use of the restaurant, but instead will allow the restaurant to properly dispose of its existing waste stream. The enclosure will provide for an awning, secondary containment system, and concrete foundation for grease drums currently placed outside the building on the public perimeter walkway. The enclosure will also allow the restaurant to properly recycle a portion of its waste. Due to

the small size of the trash enclosure expansion, its location in an area with a particularly wide public walkway, and the use of the enclosure to meet existing restaurant demand for recycling, the proposed expansion of the trash enclosure will not significantly affect public open space on the wharf.

While the additions described above will not significantly affect the usability of the public perimeter accessway, future building extensions for non-priority uses, private expansion of the commercial uses of the restaurant, conversion of the public seating area to private uses, or extensions into narrower portions of the accessway would adversely affect public access and may not be consistent with the access requirements of the Coastal Act and the master Coastal Development Permit for Stearns Wharf (CDP 305-03). The Commission, therefore, finds that the proposed outdoor seating area shall not be expanded beyond four feet in width and shall remain public for the life of the project. The applicant has also proposed that signage be placed on the tables and/or wall of the building indicating that the outdoor tables are available for public use. **Special Condition One (1)** requires the applicant to submit, for the review and approval of the Executive Director, a signage plan for the outdoor seating area indicating the size, location, and wording of signs to be placed in the outdoor seating area. **Special Condition Two (2)** limits the extension of the seating area into the public walkway to four feet. It also prohibits any actions that would impede or discourage the public from using the seating area, including placement of posts dividers, fences, or ropes around the seating area or elevation of the seating area into a patio.

The Commission further finds that service to the outdoor seating area, including use of a hostess, waiter, or expediter would give the appearance that the outdoor seating area is for the exclusive use of restaurant patrons and discourage public use of the area. **Special Condition Two (2)**, therefore, requires that service to the area be limited to bussing and clearing of tables only. **Special Condition Three (3)** further requires the applicant to design the seating area so that it is compatible in appearance to Stearns Wharf and neighboring public benches and seating around the restaurant. Finally, **Special Condition Three (3)** provides that the applicant must submit final plans reflecting the current proposal for size, placement, and orientation of the seating area and recycling/trash enclosure.

### **Parking, Access, and Recreation**

The Commission finds that the proposed project, as conditioned, will expand the recreational and visitor-serving opportunities on the Wharf by providing a public outdoor seating area adjacent to the Santa Barbara Shellfish Company building. In past permit actions for approving building additions and seating on Stearns Wharf, the Commission has required that new development be designed to minimize parking demands, which could potentially preclude access to the shoreline for competing, high priority ocean-dependent and recreational uses on the Wharf.

Parking for Stearns Wharf is currently provided by 126 spaces located on the Wharf and existing parking lots located along Cabrillo Boulevard in the Waterfront area. The

original coastal development permit (CDP 305-03) approved the existing parking on the Wharf principally to serve the Moby Dick Restaurant and the Harbor Restaurant. In approving the limited on-site parking on the Wharf, the Coastal Commission concurred with the City's intent to provide an essentially pedestrian environment on the Wharf. Consequently, neither the City nor the Coastal Commission has required additional on-site parking on Stearns Wharf to accommodate the additions and expansions that have occurred on the Wharf since 1980.

While no additional parking has been built on the Wharf, the City and Municipal Transportation District (MTD) have worked to increase the availability of public transportation to and from the waterfront and wharf area. Since 1999, the MTD has provided an electric shuttle service known as the "Wharf Woody" that runs during peak summer months between the Wharf and the Palm Park and Garden Street parking lots on a 20-minute cycle. The MTD also runs a State Street shuttle and Waterfront/Cabrillo Boulevard shuttles that have stops at the foot of the Wharf. Since 2003, the Santa Barbara Water Taxi has also operated a 23-passenger shuttle boat that runs between Cabrillo Landing in the Harbor and the passenger-landing ramp on Stearns Wharf.

While the project site is located entirely on Stearns Wharf, within the area of the Coastal Commission's retained original permit jurisdiction, the Commission may use the policies of the certified City of Santa Barbara Local Coastal Plan for guidance in its review. Policy 11.5 of the City's LCP requires that parking requirements for new development be, at a minimum, consistent with City Ordinance requirements. The City's municipal ordinance requires that for sit down restaurants one parking space should be provided per three seats. The proposed outdoor seating area would allow for 16 seats available to the general public and restaurant patrons on a first come first serve basis. According to the City's Transportation Staff, the project would not produce a measurable increase in demand as a majority of those members of the public and restaurant patrons using the seats would already be visiting other parts of the Wharf and waterfront and using existing parking facilities. If one were to assume that restaurant patrons used all 16 seats and that the seats did cause an increase in demand, according to City ordinance this increase would be approximately five parking spaces. In their March 31, 2005 Staff Report to the City of Santa Barbara Planning Commission, City staff states in part that the five additional spaces "could be accommodated in existing waterfront parking lots, based on the Waterfront Area Transportation Study 2 dated May 25, 2001." Based on these findings, the City's Planning Commission waived the parking requirements for the new tables and benches in their approval of the project (Resolution No. 024-05).

The Commission finds that due to the small size of the project, the public nature of the proposed seating area, the pedestrian nature of the projected patronage, and the general adequacy of the existing parking facilities within the waterfront area, the project will not adversely affect parking opportunities for recreational visitors, and no additional parking is necessary to serve the project. However, the adequacy of parking will continue to be concern for any large additions or new uses on Stearns Wharf.

For the reasons discussed above, the Commission finds that, as conditioned, the proposed project is consistent with Sections 30210, 30211, 30212, 30213, 30221, and 30252 of the Coastal Act.

### C. SCENIC AND VISUAL RESOURCES

Coastal Act Section 30251 states:

***The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.***

The proposed project is situated on the south end of Stearns Wharf, which provides panoramic views of the Santa Barbara Channel, the Channel Islands, the City of Santa Barbara, and the Santa Ynez Mountains. The existing Santa Barbara Shellfish Company building is a combination one and two story structure that is set back from the west side of Stearns Wharf 7 to 12 feet, depending on the location. The size and location of the building allows visitors to view the Santa Barbara Channel, City background, as well as the Santa Barbara Harbor. The proposed project will not alter the roof-line of the existing Santa Barbara Shellfish Company building, and would add only minor additions to the west side of the building footprint to accommodate a new public seating area and expand an existing trash enclosure to include a recycling and grease storage area. While the new trash/recycling enclosure will have an awning covering it, the awning will be significantly lower than the existing roofline of the building.

As noted in the section above, the walkway and public space on the west side of the Santa Barbara Shellfish Company building is one of the largest setbacks from the Wharf's edge, varying in width from 7 to 12 feet. The proposed project would extend slightly into this setback to accommodate the proposed public seating area and recycling/trash enclosure in a manner that meets current local code requirements. The extension into the public area varies from four to 2.6 feet and will retain a public accessway, which will vary from 7 to 8 feet in width. Neither the seating area nor the trash/recycling enclosure will expand the building footprint northward or southward. The proposed extension of the Santa Barbara Shellfish Company building will, therefore, not significantly reduce public open space, adversely affect the usability of the perimeter accessway on Stearns Wharf, or negatively impact the public views from the accessway.

The seating area and trash/recycling enclosure will be visible, though, from the end of the pier and the main thoroughfare running in front of the Santa Barbara Shellfish

Company building. Section 30251 requires that new development be visually compatible with the character of surrounding areas. The applicant has proposed that the seating area and trash/recycling enclosure be made of stained wood, mimicking the nautical design of Stearns Wharf and the Shellfish Restaurant. **Special Condition Three (3)** requires that the final plans for the project include a color palette and material specifications for the structures and facilities that would be compatible with the design of Stearns Wharf.

The Commission, therefore, finds that the proposed project, as conditioned, is consistent with and adequate to carry out the requirements of Section 30251 of the Coastal Act.

#### **D. LOCAL COASTAL PROGRAM**

The proposed project area lies within City of Santa Barbara, but falls within the Commission's area of retained original permit jurisdiction as shown on the LCP Certification Permit and Appeal Jurisdiction map. The Commission has certified the Local Coastal Program for the City of Santa Barbara (Land Use Plan and Implementation Ordinances), which contains policies for regulating development and protection of coastal resources, including the protection of environmentally sensitive habitats, recreational and visitor serving facilities, coastal hazards, and public access.

#### **E. CEQA**

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect, which the activity may have on the environment.

The Commission finds that, the proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.